

MEMORANDUM OF AGREEMENT  
BETWEEN MCKINLEY PROPERTIES, LC AND  
THE JAMES CITY SERVICE AUTHORITY  
FOR

**WATER CONSERVATION GUIDELINES**

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McKinley Properties, LC agrees to the following practices and limitations with respect to water conservation efforts for the proposed office building at 5244 Olde Towne Road (James City County Case # SP-36-02):

**WATER EFFICIENT LANDSCAPING**

1. To the greatest extent possible, plant materials will be selected to include native, drought tolerant, low water use species consistent with the recommended plant list suggested by the JCSA and/or other species satisfying this intent, as prescribed by a certified landscape professional recognized by the Commonwealth of Virginia.
2. Wherever possible, existing trees and vegetation shall be retained.
3. Trees to be located within turf areas shall be mulched (with the specific mulch type to be selected by the Owner) at a minimum depth of two (2) to three (3) inches.

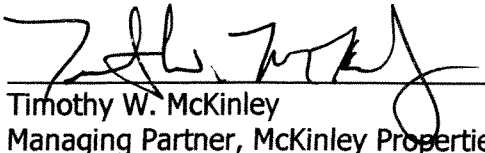
**IRRIGATION SYSTEMS**

1. Previously existing vegetation shall not be irrigated. This provision may be waived only in instances where pre-existing vegetation shows signs of strain from insufficient water to the root system.
2. No irrigation system is planned for the subject property. Should irrigation be required in the future: any such system shall include a rain sensor installed at the time of installation; use of fixed, rotor or impact sprinklers will be kept to an absolute minimum; where practical, low volume subsurface irrigation will be used to irrigate turf; landscape beds will be irrigated by low volume drip or micro-irrigation.
3. To the extent that an irrigation well is required at some point in the future, water shall only be withdrawn from the Aquia or Upper Potomac aquifers. Water shall not be withdrawn from the Chickahominy-Piney Point aquifer.

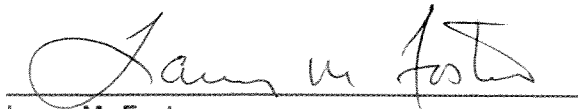
**WATER FIXTURES AND APPLIANCES**

1. Any builder installed hot water heater shall be a water efficient model.
2. The Owner shall install tank toilets in lieu of flush valve toilet systems.

This memorandum of agreement has been reviewed and agreed to by the undersigned parties:

  
\_\_\_\_\_  
Timothy W. McKinley  
Managing Partner, McKinley Properties LC

6/20/02  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Larry M. Foster  
General Manager, JCSA

7/8/02  
\_\_\_\_\_  
Date